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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

ALIVECOR, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

ORDER GRANTING

**STIPULATION REGARDING SUMMARY  
JUDGMENT BRIEFING AND SEALING  
AND EXPERT DISCOVERY DEADLINE**

The Honorable Jeffrey S. White

STIPULATION REGARDING SUMMARY JUDGMENT BRIEFING AND SEALING AND  
EXPERT DISCOVERY DEADLINE  
Case No. 4:21-CV-03958-JSW-SK

1 Plaintiff AliveCor, Inc. (“Plaintiff”) and Defendant Apple Inc. (“Apple”), through their  
2 respective attorneys of record herein, hereby agree and stipulate as follows:

3 WHEREAS, the Court issued an Order Scheduling Trial and Pretrial Matters and Vacating  
4 Case Management Conference on May 17, 2022, in which the Court set various deadlines in this  
5 case, *see* Dkt. 58;

6 WHEREAS, the Court amended the deadlines set in the initial Order Scheduling Trial and  
7 Pretrial Matters and Vacating Case Management Conference on October 18, 2022, *see* Dkt. 104;

8 WHEREAS, the parties have conferred and determined that in order to accommodate  
9 scheduling for expert witness depositions, it would be beneficial to extend the deadline to  
10 complete expert discovery from June 5, 2023 to June 22, 2023;

11 WHEREAS, the agreed-upon extension would not affect the Pretrial Conference, Jury  
12 Selection, Trial Date, Deadline to File Dispositive Motions, or Last Day to Hear Dispositive  
13 Motions;

14 WHEREAS, the parties are aware that the Court indicates in its standing order for civil  
15 cases that it strongly prefers a four-brief schedule in cases where the parties cross-move for  
16 summary judgment, *see* J. White Civil Standing Order at 8;

17 WHEREAS, the parties have conferred and determined that each intends to move for  
18 summary judgment, and agreed to the below briefing schedule and page limits for a four-brief  
19 summary judgment briefing schedule, consistent with the existing case deadlines and the Court’s  
20 Standing Order for Civil Cases, listed below;

21 WHEREAS, the parties have conferred regarding a sealing procedure for summary  
22 judgment briefing and associated exhibits and supporting materials, and determined that a  
23 modified sealing procedure would be most efficient in preserving the parties’ confidential business  
24 information without burdening the Court with serial sealing motions;

25 WHEREAS, the parties agree to file their summary judgment briefs and associated exhibits  
26 and supporting materials under seal initially, and file a consolidated set of sealing materials—  
27 including redacted briefs, exhibits, and supporting documents—after summary judgment briefing  
28 is complete;

1            THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED by the parties and  
2 their respective counsel, pursuant to Civil L. R. 6-2, that the deadlines and page limits specified  
3 below shall apply:  
4

5 <b>Event</b>	<b>Date</b>	<b>Page Limit</b>
6    Deadline to Exchange Response Expert 7    Reports	May 22, 2023 (unchanged)	N/A
8    Close of Expert Discovery	June 22, 2023 (previously 9    June 5, 2023)	N/A
10   AliveCor files Motion for Summary 11   Judgment	June 29, 2023	20 Pages
12   Apple files Motion for Summary 13   Judgment and Opposition to AliveCor's 14   Motion	July 27, 2023	45 Pages
15   AliveCor files Reply and Opposition to 16   Apple's Motion	August 24, 2023	45 Pages
17   Apple files Reply	September 21, 2023	20 Pages
18   The parties file consolidated sealing 19   materials pursuant to LR 79-5 for all 20   briefs and associated materials	October 12, 2023	N/A

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATE: April 28, 2023

  
JEFFREY S. WHITE  
United States District Judge